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d Application No

PCT/EP 03/04173 CLASSIFICATION OF SUBJECT MATTER PC 7 A61K31/22 A61K A61P31/04 A61K31/265 According to International Patent Classification (IPC) or to both national classification and IPC **B. FIELDS SEARCHED** Minimum documentation searched (classification system followed by classification symbols) IPC 7 A61K Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal C. DOCUMENTS CONSIDERED TO BE RELEVANT Relevant to claim No. Citation of document, with Indication, where appropriate, of the relevant passages Category 1-5.7WO 99 00136 A (ROWE JAMES BABER) X 7 January 1999 (1999-01-07) claims 1,2,4,5,21 WO 01 09095 A (ASCHER GERD ; BERNER HEINZ (AT); BIOCHEMIE GMBH (AT); HILDEBRANDT J) 6 Υ 8 February 2001 (2001-02-08) cited in the application claims 1-17 page 11, line 21 - line 28 EP 0 153 277 A (SANDOZ AG; SANDOZ AG (CH); Υ SANDOZ AG (DE)) 28 August 1985 (1985-08-28) cited in the application claims 1-9 Further documents are listed in the continuation of box C. Patent family members are listed in annex. X Special categories of cited documents: "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the "A" document defining the general state of the art which is not considered to be of particular relevance invention \*E\* earlier document but published on or after the international "X" document of particular relevance; the claimed invention filing date cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such docu-"O" document referring to an oral disclosure, use, exhibition or ments, such combination being obvious to a person skilled in the art. other means \*P\* document published prior to the international filing date but later than the priority date claimed "&" document member of the same patent family Date of the actual completion of the International search Date of mailing of the international search report 06/08/2003 30 July 2003 Authorized officer Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Siatou, E



## INTERNATIONAL SEARCH REPORT

Internal Application No PCT/EP 03/04173

	<u></u>	PCI/EP 03/041/3			
	ation) DOCUMENTS CONSIDERED TO BE RELEVANT				
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.			
Α	WO 02 04414 A (ASCHER GERD ;BERNER HEINZ (AT); BIOCHEMIE GMBH (AT)) 17 January 2002 (2002-01-17) cited in the application claims 1-9 page 7, line 16 - line 23	1-7			
Α	WO 02 22580 A (ASCHER GERD ;BERNER HEINZ (AT); BIOCHEMIE GMBH (AT); HILDEBRANDT J) 21 March 2002 (2002-03-21) cited in the application the whole document	1-7			
Α	SHINOHARA K ET AL: "GASTRIC DISEASES RELATED TO HELICOBACTER PYLORI AND EPSTEIN-BARR VIRUS INFECTION" MICROBIOLOGY AND IMMUNOLOGY, TOKYO, JP, vol. 42, no. 6, 1998, pages 415-421, XP001098551 ISSN: 0385-5600 the whole document	1-7			
A	DORNHELM P ET AL: "THE EFFECTS OF TIAMULIN, A SEMISYNTHETIC PLEUROMUTILIN DERIVATIVE, ON BACTERIAL POLYPEPTIDE CHAIN INITIATION" EUROPEAN JOURNAL OF BIOCHEMISTRY, BERLIN, DE, vol. 91, no. 2, November 1978 (1978-11), pages 465-473, XP000950040 ISSN: 0014-2956 the whole document	1-7			



ional application No. PCT/EP 03/04173

Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet) Box I This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons: because they relate to subject matter not required to be searched by this Authority, namely: Although claims 3-4 and 5-7, as far as they refer back to the method, are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the composition. because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful international Search can be carried out, specifically: Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a). Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet) This International Searching Authority found multiple inventions in this international application, as follows: As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee. As only some of the required additional search fees were timely paid by the applicant, this international Search Report covers only those claims for which fees were paid, specifically claims Nos.: No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: The additional search fees were accompanied by the applicant's protest. **Remark on Protest** No protest accompanied the payment of additional search fees.

mation on patent family members

Internal | Application No PCT/EP 03/04173

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
<del></del>					
WO 9900136	Α	07-01-1999	AU	746054 B2	11-04-2002
			ΑU	8093198 A	19-01-1999
			WO	9900136 A1	07-01-1999
			BR	9810944 A	26-09-2000
			EP	1017402 A1	12-07-2000
			ĴΡ	2002511865 T	16-04-2002
			NZ	502445 A	28-03-2003
			US	6303572 B1	16-10-2001
			US	6468964 B1	22-10-2002 
WO 0109095	Α	08-02-2001	AU	757799 B2	06-03-2003
			AU	6832600 A	19-02-2001
			BR	0012880 A	09-04-2002
			CA	2380980 A1	08-02-2001
			CN	1364158 T	14-08-2002
			CZ	20020345 A3	15-05-2002
			WO	0109095 A1	08-02-2001
			EP	1198454 A1	24-04-2002
•			HU	0202071 A2	28-10-2002
			JP	2003506354 T	18-02-2003
			NO	20020383 A	24-01-2002
		•	SK	1272002 A3	02-07-2002
			TR	200103764 T2	21-06-2002
EP 0153277	A <sub>.</sub>	28-08-1985	DE	3405632 A1	22-08-1985
LI 01332//	٠٠,	20 00 1300	DE	3413708 A1	24-10-1985
			AT	29132 T	15-09-1987
			ΑÜ	585209 B2	15-06-1989
			AU	3877385 A	12-09-1985
			CA	1249281 A1	24-01-1989
			CY	1565 A	17-05-1991
			DD	253616 A5	27-01-1988
			DE	3560511 D1	01–10–1987
			DK	72885 A ,B	
			EP	0153277 A2	28-08-1985
			ES	8606262 A1	01-10-1986
			FI	850654 A ,B	. 18-08-1985
			FΪ	921848 A ,B	
			GR	850415 A1	18-06-1985
				103690 A	21-12-1990
			HK		
			HU	39155 A2	28-08-1986
			ΙE	58232 B1	11-08-1993
			ΙL	74355 A	29-04-1988
			JP	1886041 C	22-11-1994
			JP	6008278 B	02-02-1994
			JP	60199870 A	09-10-1985
			KR	9201990 B1	09-03-1992
			LV	5764 A4	20-12-1996
			NZ	211131 A	30-08-1988
			PH	21588 A	11-12-1987
			PL	251972 A1	03-12-1985
			SG	69290 G	23-11-1990
			SU	1582985 A3	30-07-1990
			US	4675330 A	23-06-1987
			ZA	8501190 A	24-09-1986
WO 0204414	Α	17-01-2002	AU	7638901 A	21-01-2002
HO OMOTHER	,,	1, 01 2002	CA	2412932 A1	17-01-2002
			UN	64163JE NI	1, 31 2002

nation on patent family members

Interna I Application No
PCT/EP 03/04173

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
WO 0204414	A		CZ WO EP NO	20030042 A3 0204414 A1 1305282 A1 20030100 A	16-04-2003 17-01-2002 02-05-2003 09-01-2003
WO 0222580	A	21-03-2002	AU BR CA WO EP	9185401 A 0113837 A 2418538 A1 0222580 A1 1320525 A1	26-03-2002 03-06-2003 21-03-2002 21-03-2002 25-06-2003